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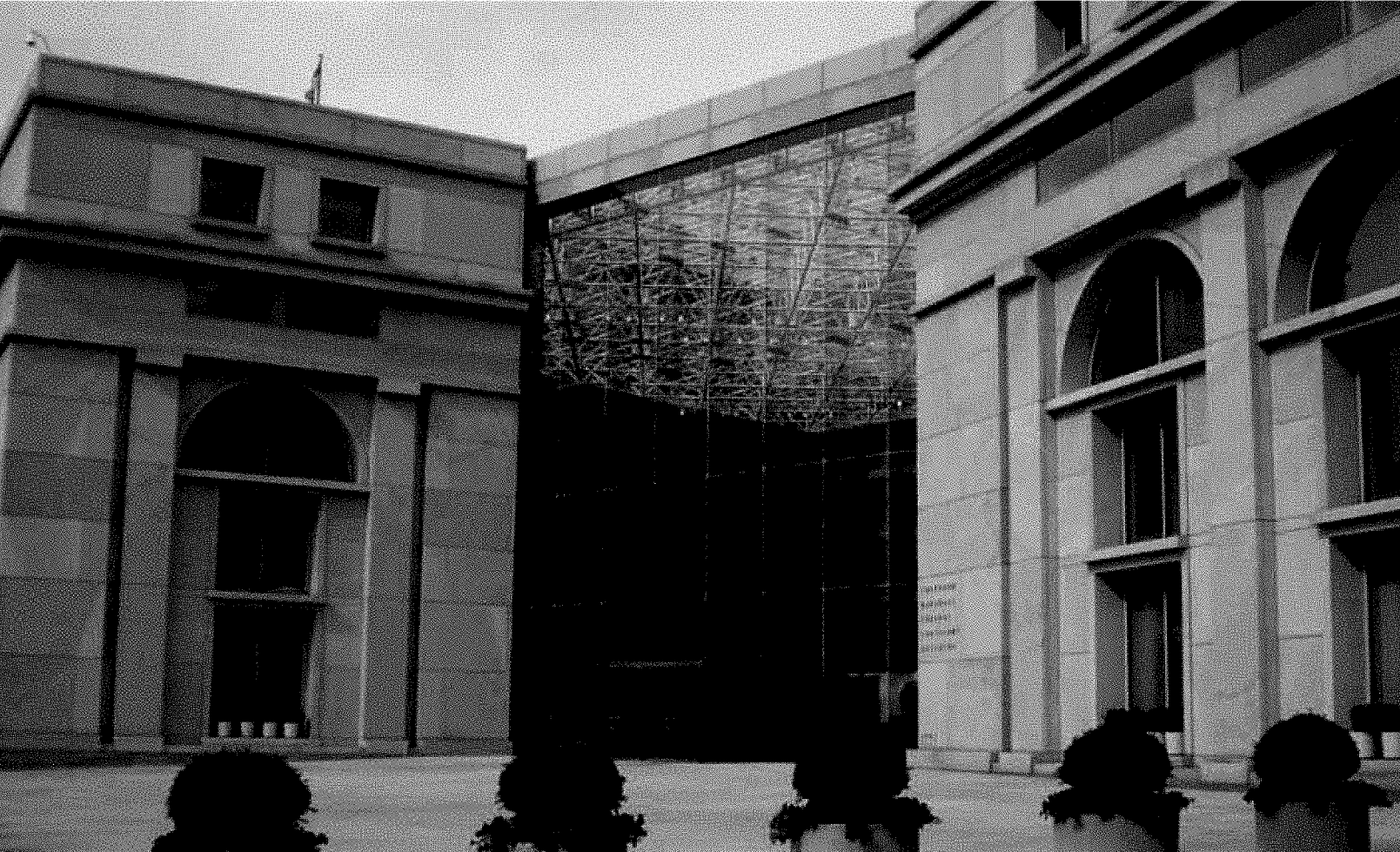
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Fellows assigned to the Administrative Office of the U.S. Courts, the Federal Judicial Center, and the U.S. Sentencing Commission have the opportunity to work in the Thurgood Marshall Federal Judiciary Building, shown here.

THE U.S. SUPREME COURT FELLOWS PROGRAM The Opportunity of a Lifetime

By S.I. Strong

Last year, the U.S. Supreme Court Fellows program marked its 40th anniversary with a gala awards dinner at the Court. Although the event was attended by many of the judges, academics, policy experts, and public servants that have spent time as Fellows, news of the celebration did not make it into mainstream media reports because the program, like the Court itself, is as discreet as it is prestigious.

One reason why the Supreme Court Fellowship is one of the best-kept secrets in Washington, D.C., is its size. Unlike the White House Fellows program, which invites 12 people to join its ranks each year, and the Congressional Fellows program, which has over 30 participants annually, the Supreme Court accepts only four extremely talented individuals into

its Fellows program each year. Every fall, these fortunate few begin a 12-month journey that offers them an unparalleled opportunity to observe and participate in the work of the federal judiciary at the highest levels.

The Program, Then and Now

The Supreme Court Fellows program was created in 1973 by then-Chief Justice Warren Burger as a way of giving promising academics, practitioners, and court personnel the opportunity to learn more about the administration and operation of the federal judiciary. Unlike Supreme Court clerks, who work for a single justice, Supreme Court Fellows are placed with one of four national institutions associated with the federal judiciary: the Office of the Counselor to the Chief Justice of the

United States, the Federal Judicial Center, the U.S. Sentencing Commission, and the Administrative Office of the U.S. Courts. During their Fellowship year, Supreme Court Fellows undertake



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Judicial Center during the 2012–13 Fellowship year. She can be reached at strongsi@missouri.edu.

important substantive work while also enjoying the chance to meet and interact with some of the most powerful people in Washington.

The program is strongly supported by Chief Justice John Roberts, who has introduced several new elements this year. One change involves the eligibility requirements. As the chief justice has said, "The Supreme Court Fellows Program has long offered mid-career professionals a unique opportunity to participate in court administration at a national level." However, beginning with this year, "the program will also accept applications from recent law school graduates and doctoral degree recipients who are interested in participating in various facets of judicial administration." Among other things, the chief justice believes that "[t]he program will hold special interest to individuals completing judicial clerkships who are considering a career in academia or public service."

Four Positions, a Multitude of Opportunities

Although all four Fellows are referred to as "Supreme Court Fellows," the duties that each person performs vary according to the needs of the organization with which he or she is placed as well as the individual Fellow's professional background and interests. As a result, each Fellow's experience is unique, both from year to year as well as within a single Fellowship class.

Office of the Counselor

Each year, one Fellow is assigned to the Office of the Counselor to the Chief Justice of the United States. This Fellow is primarily responsible for conducting briefings of foreign judges, court administrators, and other visiting dignitaries regarding the operation, procedures, and history of the Supreme Court. However, this Fellow also participates in the general activities of the Counselor's Office, which supports the Chief Justice in his administrative and policy functions as head of the judiciary.

Fellows sitting with the Office of the Counselor have come from a variety of walks of life. Some have previously held positions as prosecutors or staff attorneys,

while others come from the U.S. military or academia, including the fields of law, political science, and public administration. Because the Fellow based in the Counselor's Office must interact frequently with foreign dignitaries, this position is particularly well-suited to candidates with an academic or practical interest in foreign legal systems.

In fact, many former Fellows look back at this particular aspect of their duties with great fondness. "Without a doubt, the most fun part of my job was giving tours and having discussions of comparative court procedure and constitutional law with visiting foreign dignitaries," says Judge Judith Chirlin, who served as a Supreme Court Fellow from 1977 to 1978 before eventually becoming a judge with the Los Angeles Superior Court. Although her other responsibilities included helping the staff of then-Chief Justice Burger set up what would become the American Inns of Court, it was the interaction with foreign delegations that affected Judge Chirlin the most.

"Through contacts made from that experience, I was invited to consult on court reform with the Commission on Judicial Reform in Peru," says Judge Chirlin. "As a result of that, I have traveled over the years to over 20 countries providing assistance in justice system improvement and development of the rule of law." This dedication to teaching judges around the world led to her receiving the American Inns of Court Foundation's Ninth Circuit Professionalism Award in 2008 prior to her retirement from the bench in 2009.

Federal Judicial Center

Although the position at the Office of the Counselor is in many ways very well-suited to candidates with expertise in international or foreign law, the Federal Judicial Center is also interested in people with that particular background. The Federal Judicial Center is known as the research and education arm of the federal judiciary, but its sphere of influence is not limited to U.S. judges. Many Supreme Court Fellows have served in the Center's International Judicial Relations Office,

where they give briefings to foreign delegations, write bench books and similar publications on issues relating to international and comparative law, and devise and conduct training of foreign judges.

Not every Fellow needs to have a background in international and comparative law, however. For example, candidates with a doctoral degree in one of the hard or social sciences often find a home in the Federal Judicial Center's Research Division. These Fellows typically conduct research on a wide range of topics relating to various areas of law, policy, and practice and may also engage in empirical research concerning judicial and legal reform.

The Federal Judicial Center also occasionally places its Supreme Court Fellows in the History Division. Here, Fellows assist with research relating to the history of the federal judiciary and help develop materials for secondary-school teachers who wish to learn more about how they can educate students about the operation and role of the third branch of government.

All of the Fellows based with the Federal Judicial Center are involved with research or educational activities in one way or another. However, candidates with a particular background in education or legal pedagogy may find themselves placed with the Education Division, which is responsible for educating judges and court staff on a variety of substantive, procedural, and administrative issues.

Because the Federal Judicial Center is capable of using Fellows in a variety of different capacities, there is no single ideal candidate. Instead, Supreme Court Fellows have been drawn from many different fields, including academia, government, and nongovernmental organizations.

Administrative Office

The Administrative Office is in many ways the least understood of the four organizations associated with the Fellowship program because the Office's work is largely invisible to outsiders. However, the Administrative Office performs a crucial role in the federal judiciary because it is responsible for program management, legal counsel, legislative services, and administrative support to both the federal

courts and their policymaking body, the Judicial Conference.

Fellows situated at the Administrative Office are in a unique position to learn about the federal rule-making process. As a result, this position is very well-suited to people with a longstanding academic or practical interest in litigation and legal procedure. Among other things, the Administrative Office may ask its Fellow to help provide support to the Judicial Conference's Committee on Practice and Procedure and assist the committee as it reviews and revises the federal rules of civil procedure, criminal procedure, and evidence.

Candidates who come from the state or federal courts are often very interested in a placement with the Administrative Office. Indeed, two of the Administrative Office's most recent Fellows came from the judiciary. Holly Sellers, who served as a Supreme Court Fellow from 2010 to 2011, was the chief administrative officer of the Supreme Court of Connecticut before coming to Washington, while Julie Yap, who was the Administrative Office's Supreme Court Fellow the following year, was a career judicial clerk for Judge Frank Damrell of the U.S. District Court for the Eastern District of California.

Yap found the experience both personally and professionally gratifying. "After years working in a federal district court, the Fellowship allowed me to experience the third branch of government from a different perspective," she says. "The Supreme Court Fellows program offers a unique opportunity not only to see how judicial policy is made and implemented, but also to be a part of the Supreme Court family."

U.S. Sentencing Commission

The fourth Supreme Court Fellow is assigned to the U.S. Sentencing Commission. This position is obviously geared toward specialists in criminal law, particularly those who are interested in policy work and in legal and social science research dealing with criminal sentencing reform. Because the Sentencing Commission is smaller than the other three organizations that participate in the Supreme Court Fellows program, the Sentencing Commission Fellow has the

chance to become involved with a wide range of issues relating to criminal law. Furthermore, this Fellow often has increased opportunities for active participation in addressing sentencing issues.

Because the Sentencing Commission is interested in Fellows with either an academic or a practical perspective on criminal law matters, past Fellows have had a variety of backgrounds, including government, academia (both law and other disciplines), and private practice. Furthermore, some Fellows have been involved in sentencing matters from a domestic point of view, while other Fellows have approached the issue as a question of comparative and international law and policy.

A Day in the Life

Because each Supreme Court Fellow is placed with a different organization, the experience of the four individuals within a particular Fellow class can vary significantly. Differences also arise from year to year because the needs of the host organizations are constantly in flux as a result of various legal, social, and political pressures. Prospective Fellows should therefore be prepared to take a great deal of initiative in shaping the position to suit their particular interests and expertise.

Although each Fellow is to some extent on his or her own within the host organization, Fellows nevertheless engage in a number of group activities that create a certain degree of consistency from year to year. These opportunities to come together as a group also promote a sense of collegiality within each class of Fellows.

Most of the efforts to initiate group activities and create camaraderie come from the Office of the Counselor to the Chief Justice. The Counselor's Office is diligent in identifying a variety of opportunities to integrate all four Fellows into the life of the Court. For example, the Office of the Counselor often arranges lunches to introduce Fellows to the officers of the Court. In the past, Fellows have met with the clerk of the Court, the marshal of the Court, and the counselor to the chief justice, among others. The Office

of the Counselor also invites Fellows to join the law clerks for occasional off-the-record lunches with Washington power players. Although the roster of speakers changes from year to year, past Fellows have had the opportunity to hear talks from everyone from the attorney general and the solicitor general to the director of the Federal Bureau of Investigation, the secretary of the Smithsonian Institution, and the legal adviser of the Department of State.

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The four Supreme Court Fellows are also invited to various social functions that are attended by justices of the Supreme Court. Although these invitations vary from year to year, the winter holiday party is usually on the Fellows' calendar, as is the lecture series arranged by the Supreme Court Historical Society. The Fellows are also routinely invited to attend the Supreme Court Preview at the Institute of Bill of Rights Law at William and Mary Law School in Williamsburg, Virginia, and can attend oral arguments at the Court as their schedules allow.

Supreme Court Fellows also have the opportunity to interact with other government fellows. For example, in the past, Supreme Court Fellows have been invited to dinners, lunches, or lecture series with

White House Fellows and Congressional Fellows.

Although the Office of the Counselor plays the most active role in organizing the Fellows' group calendar, other host institutions also make an effort to include all four Supreme Court Fellows in the organization's activities. Thus, for example, the Administrative Office typically extends an invitation to the Fellows to observe a meeting of the Judicial Conference as well as a meeting of one of the individual committees. These opportunities provide Fellows with a rare insiders' view of judicial administration and policymaking.

The Fellowship is an investment in the experience and perspectives Fellows take with them as they continue careers in teaching and public service.

Although the Supreme Court Fellows program has evolved in a variety of ways over the last 40 years, this year marks a significant change in direction with respect to one of the tasks of the Fellows. According to Chief Justice Roberts, next year's Fellows will be asked to pursue various types of "practical scholarship relevant to the placement." By the end of the year, the Fellows will be asked to both produce a written work suitable for publication as well as make a presentation to federal judges.

The subject matter of the research will vary according to the Fellow's placement. For example, the Fellow assigned to the Office of the Counselor will be expected to work on research relating to some aspect of international or comparative law, while the Fellow at the Administrative Office will consider an issue of legal practice or procedural reform. The Fellow at the Sentencing Commission will focus on a topic relating to criminal or sentencing law, and the Fellow at the Federal Judicial Center will work on a matter relating to judicial education or the research conducted by the Center during the Fellowship year.

No one yet knows precisely what form the Fellows' presentations and publications will take. However, one possible model might be to arrange for some sort of scholarly colloquium on the relevant subject, as one former Fellow from the Federal Judicial Center has done. This symposium, which is entitled "Judicial Education and the Art of Judging: From Myth to Methodology," will be held in October 2014 at the University of Missouri's Center for the Study of Dispute Resolution and will cover a number of issues ranging from the changing and continuing role of judges in U.S. society to the goal and methods of judicial education. Confirmed speakers include judges as well as academics and judicial education professionals from the United States and abroad, and papers from the event will be published in the *Journal of Dispute Resolution*. The University of Missouri is also hosting an international works-in-progress conference to be held in conjunction with the symposium, thereby allowing junior scholars and interested others to participate in the event.

Efforts such as these illustrate the reciprocal benefits of a Supreme Court Fellowship. Indeed, as Jeffrey Minear, counselor to the chief justice, says, "The Fellows program provides a unique opportunity for promising scholars and professionals to study judicial administration from inside the courthouse and to gain the perspectives of judges and senior court officers." As a result, "the judiciary gets the benefit of the Fellows' talent. But

the Fellowship is also an investment in the experience and perspectives Fellows take with them as they continue careers in teaching and public service."

After the Fellowship

Experience suggests that the Supreme Court Fellowship is indeed the launching pad for great careers. Many former Fellows are drawn to academia, either returning to positions that they left temporarily to take up their Fellowship or entering into the academic market afresh. Indeed, Minear believes that the Fellowship may be particularly attractive for "aspiring scholars" because "the academic community now requires a substantial track record of publications" and "the Fellowship provides an opportunity to produce scholarship that draws on the practical work of the courts and judicial administration." Academics who have come out of the Fellowship program can currently be found in a number of fields, including law, political science, history, public administration, sociology, and psychology. Some former Fellows have even gone on to university administration, with a university president and university chancellor listed among the alumni.

However, not every Supreme Court Fellow aspires to a life in higher education. Some Fellows use their year in Washington to look into other career opportunities. For example, Emery Lee was a professor of law and political science at Case Western Reserve University when he joined the Administrative Office as its 2005–06 Fellow. However, he decided to stay on in public service after his Fellowship ended and is now a senior researcher with the Federal Judicial Center. As a specialist in civil procedure and statistical studies, Lee currently spends his time conducting qualitative surveys on a variety of substantive and procedural issues.

Other Fellows have entered into other forms of public service after completing their year with the Court. For example, former Fellows can be found working in a number of federal agencies, including the Department of Justice, the Department of State, and the Department of the Interior, and in state and federal courts. Policy

work is also very popular with alumni, and a variety of think-tanks in Washington and elsewhere include former Supreme Court Fellows among their ranks.

Several former Fellows have even ended up on the state or federal bench. Often these people look back at their Fellowship year as life-changing. For example, Judge Chirlin says that “my year as a Fellow had an impact on my career far beyond what I could have imagined at the time. The most significant revelation of the year: that the people who have the best chance of improving the judicial system are the judges themselves. It was that revelation that led me to seek and then obtain a judgeship.”

Although former Supreme Court Fellows can be found all over the United States and in several foreign countries, former Fellows keep in contact with both the Court and their colleagues through the Supreme Court Fellows Alumni Association. Every year, former Fellows gather for an annual dinner hosted by the Supreme Court Fellows Commission at the Supreme Court the day before the Alumni Association’s formal business meeting. The dinner is a gala affair, and one or more members of the Court are often in attendance. Members of the Alumni Association also engage in various activities in the D.C. area during the year, including events intended to help integrate the current year’s Fellows into the program and provide them with networking opportunities should they be interested in researching new career opportunities after their Fellowship ends.

The Selection Process

Given the prestige of the Supreme Court Fellowship, it is not surprising that the application process is both rigorous and competitive. Candidates initially submit an application through the Supreme Court Fellows website (<http://www.supremecourt.gov/fellows/selection.aspx>), which also describes the criteria for prospective Fellows. This year, for the first time, applicants must provide an original research proposal on a topic of interest to the candidate.

After the applications have been

reviewed, the final eight candidates are invited to Washington, D.C., usually in late February or early March, for a two-day interview process. The first day, finalists meet with representatives from each of the four host organizations to learn more about the fellowship opportunities at each placement. Later that same day, the eight finalists attend a panel discussion hosted by the Alumni Association, followed by the annual dinner hosted by the Supreme Court Fellows Commission at the Court.

The second day of interviews is taken up with meetings between the candidates and the Commission. The Supreme Court Fellows Commission is appointed by the chief justice and includes the heads of each of the four host organizations as well as federal judges, former Fellows, academics, and private practitioners. Following the interviews, the Commission decides which position to offer to which candidate, and the offer is communicated to the four successful candidates. The new

Fellows then have approximately six months to prepare for their move to Washington, D.C., because the Fellowship begins in late August or early September (dates vary slightly for each position).

In the Words of the Chief Justice

In the words of Chief Justice Roberts, the U.S. Supreme Court Fellowship program constitutes “a unique opportunity to participate in court administration at the national level.” Although the Fellowship is suitable to candidates from a variety of fields, those who are already active in the work of the judiciary, as either law clerks, staff attorneys, or administrators, are excellent candidates for any of the four Fellowship positions because those persons have already demonstrated their interest and expertise in the work of the courts. Hopefully, a number of these judicial “insiders” will heed the invitation of the chief justice to “deepen [their] understanding of the federal courts while engaging in rewarding public service.” ■



More Information

Those interested in learning more about the history and activities of the U.S. Supreme Court Fellows program can find more information on the Supreme Court Fellows website (<http://www.supremecourt.gov/fellows>) and the Supreme Court Fellows Alumni Association website (<http://scfellowsalumni.squarespace.com>). Further information can also be found in the following publications:

Mark W. Canon & Jeffrey B. Morris, *Inside the Courts: The Judicial Fellows Program*, 12 PS: POL. SCI. & POLS. 6 (1979)

Ruth Bader Ginsburg, *Welcoming Remarks to the Judicial Fellows*, 5 SW. J. L. & TRADE IN THE AMERICAS 3 (1998)

Jon B. Gould et al., *Courting Success: The Supreme Court Fellows Program at 35*, 41 PS: POL. SCI. & POLS. 839 (2008)

Carl Tobias, *Warren Burger and the Administration of Justice*, 41 VILLANOVA L. REV. 505 (1996)